

# REPORT OF THE COMMITTEE ON PUBLIC HEALTH, SAFETY & WELFARE

## Voting Members:

Ron Menor, Chair; Brandon J.C. Elefante, Vice Chair;  
Ann H. Kobayashi, Trevor Ozawa, Kymberly Marcos Pine

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Committee Meeting Held  
March 29, 2016

Honorable Ernest Y. Martin  
Chair, City Council  
City and County of Honolulu

Mr. Chair:

Your Committee on Public Health, Safety and Welfare, which considered Bill 24 (2016) entitled:

"A BILL FOR AN ORDINANCE RELATING TO REFUSE,"

introduced on March 10, 2016 and which passed first reading at the March 16, 2016 Council meeting, reports as follows:

The purpose of the Bill is to address the illegal disposal of refuse.

The Director and Deputy Director of the Department of Environmental Services testified in support of the Bill.

Your Committee received two written testimonies from individuals in support of the Bill. Comments were received by one individual.

After consideration and discussion, your Committee amended the Bill to a CD1 version that makes the following amendments:

A. Amends the new "Sec. 9-1. \_\_ Prohibited activities." to read as follows:

"No person shall throw, drop, place, dump, or deposit refuse, to include bulk y wastes on a street, roadside, alley, highway, or public place except as provided in this chapter."

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**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ADOPTED ON APR 20 2016

COMMITTEE REPORT NO. 87

# REPORT OF THE COMMITTEE ON PUBLIC HEALTH, SAFETY & WELFARE

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- B. Removes the changes to Sec. 9-5.1(b) and retains the civil fine maximum of \$250.00.
- C. Makes miscellaneous technical and non-substantive amendments.

Your Committee on Public Health, Safety and Welfare is in accord with the intent and purpose of Bill 24 (2016), as amended herein, and recommends that it pass second reading, be scheduled for a public hearing, and be referred back to Committee in the form attached hereto as Bill 24 (2016), CD1. (Ayes: Menor, Elefante, Ozawa, Pine - 4; Noes: None; Excused: Kobayashi - 1.)

Respectfully submitted,

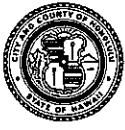
  
\_\_\_\_\_  
Committee Chair

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**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

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**A BILL FOR AN ORDINANCE**

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RELATING TO REFUSE.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to address the illegal disposal of refuse.

SECTION 2. Chapter 9, Article 1, Revised Ordinances of Honolulu 1990 ("General Provisions"), is amended by adding a new section to be appropriately designated by the revisor of ordinances and to read as follows:

**"Sec. 9-1. Prohibited activities.**

No person shall throw, drop, place, dump, or deposit refuse, to include bulky wastes on a street, roadside, alley, highway, or public place except as provided in this chapter."

SECTION 3. Section 9-5.1, Revised Ordinances of Honolulu 1990, is amended to read as follows:

**"Sec. 9-5.1 Violation—Penalty.**

- (a) Except as otherwise provided, any person violating any provision of this chapter shall be subject to a civil fine not exceeding \$500.00 for each violation. Each day that a person violates any provision of this chapter shall constitute a separate violation.
- (b) Any person violating Section 9-1.4(a)(6) shall be subject to a civil fine not exceeding \$250.00 for each violation.
- (c) Any person violating Section 9-3.1(c) shall be subject to a civil fine not exceeding \$250.00 for each violation.
- (d) Any person violating Section 9-3.5 shall be subject to a civil fine not exceeding \$250.00 for each violation. For purposes of this subsection, "person" means any natural person, partnership, corporation, firm, sole proprietorship, trust, unincorporated association or joint venture, cooperative, or any other entity; provided that the term shall exclude a church and a nonprofit organization, as defined in Section 28-1.3, except a hospital.



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A BILL FOR AN ORDINANCE

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- (e) Any person violating both Sections 9-1.4(d) and 9-4.8 shall be subject to a civil fine not exceeding \$250.00 for each violation. Each time an owner or association of apartment owners violates Section 9-1.4(d), and fails to properly dispose of or remove the bulky wastes after receiving a written notice pursuant to Section 9-4.8, that shall constitute a single violation. The fine shall be in addition to any removal costs billed to the owner or association of apartment owners.
- (f) Any person violating Section 9-1. shall be subject to a civil fine not exceeding \$2,500.00 for each violation.
- (g) The penalties under this section are in addition to any other penalty that may be imposed on a person for a violation of any other provision of this chapter.
- ~~[(g)]~~(h) Appeal of the fines set forth in this section shall be pursuant to rules promulgated by the director as necessary to carry out the provisions of this chapter."

SECTION 4. Ordinance material to be repealed is bracketed. New material is underscored. When revising, compiling or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the brackets, the bracketed material or the underscoring.



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE \_\_\_\_\_

BILL 24 (2016), CD1

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**A BILL FOR AN ORDINANCE**

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SECTION 5. This ordinance takes effect upon its approval.

INTRODUCED BY:

Kymberly Pine

Ron Menor

DATE OF INTRODUCTION:

March 10, 2016  
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Deputy Corporation Counsel

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
KIRK CALDWELL, Mayor  
City and County of Honolulu